

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
2105 PCT			
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US04/40883	06 December 2004 (06.12.2004)	04 December 2003 (04.12.2003)	
International Patent Classification (IPC) or national classification and IPC			
IPC(7): B65D 6/28, 17/34 and US Cl.: 206/508, 509, 515, 534; 220/4.26, 260, 265-276; D9/504, 341, 520			
Applicant			
SMITH, SYBIL			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand

04 October 2005 (04.10.2005)

Date of completion of this report

21 November 2005 (21.11.2005)

Name and mailing address of the IPEA/US

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Form PCT/IPEA/409 (cover sheet)(July 1998)

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-18 _____ as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

- ☒ the claims:
pages 19-24 _____ as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

- ☒ the drawings
pages 1-6 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

- ☐ the sequence listing part of the description:
pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US04/40883

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>7-8, 10-17, 20-21, 23-25 and 28-31</u>	YES
	Claims <u>1-6, 9, 18-19, 22, 26-27 and 32-34</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-34</u>	NO
Industrial Applicability (IA)	Claims <u>1-34</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-6, 9, 18-19, 22, 26-27 and 32-34 lack novelty under PCT Article 33(2) as being anticipated by US publication 2002/0130126 (Rosenberg) herein after Rosenberg. Rosenberg discloses an inventory control system adapted to contain and store items, comprising: a plurality of receptacles each having an interior adapted to receive a selected quantity of the items therein and having a mouth operative to permit access to the interior thereof; and a lock member adapted to lock two of said receptacles together in a stacked array to define a joined state such that there is a lower receptacle and an upper receptacle, said lock member being operative to prevent access to the interior of said lower receptacle when in the joined state, said lock member including a portion that can be separated thereby to release the lower and upper receptacles from one another and allow access to the interior of said lower container. See Figures 1-6 embodiments. The inventory control system of Rosenberg is inherently capable of holding pharmaceuticals.

Claims 1-6, 9, 18-19, 22, 26-27 and 32-34 lack novelty under PCT Article 33(2) as being anticipated by US Patent no. 4,978,023 (Behlmann et al) herein after Behlmann. Behlmann discloses an inventory control system adapted to contain and store items, comprising: a plurality of receptacles each having an interior adapted to receive a selected quantity of the items therein and having a mouth operative to permit access to the interior thereof; and a lock member adapted to lock two of said receptacles together in a stacked array to define a joined state such that there is a lower receptacle and an upper receptacle, said lock member being operative to prevent access to the interior of said lower receptacle when in the joined state, said lock member including a portion that can be separated thereby to release the lower and upper receptacles from one another and allow access to the interior of said lower container. See Figures 1-6 embodiments. The inventory control system of Petryna is inherently capable of holding pharmaceuticals.

Claims 7-8, 10-17, 20-21, 23-25 and 28-31 lack an inventive step under PCT Article 33(3) as being obvious over US Patent no. 4,978,023 (Behlmann et al) herein after Behlmann. With respect to the type of connection on the locking member, whether the connection is a ridge, ramp or tear away section, or any other art recognized equivalent is an obvious matter of choice, such as to require less manual dexterity to operate.

Claims 1-34 meet the criteria set forth in PCT Article 33(4) because the claimed subject matter can be made and/or used in industry.